

**Foxborough Planning Board
Meeting Minutes
October 13, 2011
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, Shannon McLaughlin, Alternate John Rhoads

Also Present: Planner Sharon Wason

7:00 p.m. Discussion concerning the “Highlawn Farm” subdivision

Mike Dinunzio, 24 Lawton Lane – stated that the lights are still not on, but the basin has been mowed.

Gail Morrissey, 23 Lawton Lane – stated that trucks have been dumping trash, stolen signs are being dumped in the area as well.

W.Grieder suggested that the neighbors discuss the possibility of requesting that the road be closed on the unoccupied end. M.Dinunzio stated that he will discuss with the neighbors and will bring an answer at the next meeting. G.Morrissey stated that a police cruiser was stationed at the end of the lane, had received complaints that drug deals were happening in the area.

Kevin Weinfeld read letter sent by the developer to the residents requesting permission to access their property for the design and installation of drywells dated September 30, 2011. Sharon Wason suggested that the neighbors offer to meet with Mr. Buckley at their property.

K.Weinfeld stated that they need to put pressure on the rock crushing.

The discussion will continue on October 27, 2011 at 7:05 p.m. at the Town Hall meeting room.

7:10 p.m. General Business

Master Plan discussion

S.Wason stated that the Master Plan workshop took place this afternoon. Consultant Larry Koff presented an overview of what Master Plans can include and gave some guidance for the process. She stated that the Downtown Plan should not be included in the Master Plan, but should be a separate study.

Mill Street reconstruction

Highway Superintendent Swanson stated that the work will be done with a combination of Chapter 90 money, Highway Department funds, and Meal Taxes monies. S.Wason stated that Mill Street is a scenic way, should have a determination if the scenic road by-law applies. W.Grieder stated that neighbors may be against the work. R.Swanson stated that they will only be working in the paved area.

G.Greene asked when the Baker street paving is scheduled to be done. R.Swanson responded that final binder pavement will be done soon.

**7:15 p.m. Public Hearing – Site Plan Review
Foxborough Compost Site
East Belcher Road**

Ron Bressé stated that he is abstaining for this matter as he is an abutter to the applicant. K.Weinfeld asked alternate member John Rhoads to participate in this matter.

Highway Superintendent Robert Swanson and Andy Felix of Tree Tech were present.

Motion by W.Grieder to waive the reading of the public hearing notice. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

K.Weinfeld explained that this application is not uncommon, as the Board performs site plan review for all Town projects.

R.Swanson stated that currently the Town's compost site is on Elm Street. They cannot compost properly at the site due to the proximity to a residential neighborhood. The site is open 39 Saturdays a year and it's a lot of work and funds. When planning on relocating the compost site, they initially looked at a site on the south side of the capped landfill which is already being used to dispose of grass, leaves and mulch produced by chipping trees. They applied to DEP for a permit. When the Conservation Commissioner reviewed the proposal, they recommended that the site be moved to the north side, which is the site being presented. They have applied for site assignment from DEP, and it's been approved. On Wednesday, October 12, 2011, S.Wason had a meeting with the department heads to present the project. Building Commissioner Casbarra said that they need a waiver from the Planning Board for buffering.

R.Swanson stated that the site has invasive brush and vegetation which will need to be cleared. He stated that he can't give a lighting plan, but there's a light on a pole by the weight side. An office trailer will be installed as a shelter for the staff; Handy House will provide the toilet facility. The Board of Health wants to see maintenance contract. There are no parking spaces shown on the plan, but there will be 4 spaces for automobiles. Large equipment that will remain onsite will be stored near the lights. The Police department is concerned about the width of Belcher Road on the south side and suggested that they post a "right turn only" sign and a "no left turn" sign along with a stop sign. Fire department requested a lockbox for the gate and a specific type of foam fire extinguisher be purchased which would be stored at the firehouse. W.Grieder asked that they obtain a memo from the deputy fire chief stating that there is an agreement that the Fire department will store the foam.

G.Greene stated that the logging activity is not shown on plans, also would like to see how vehicle movement will be management. S.Wason stated that the pink area on the plan will be used as a log sorting area. A.Felix explained that the traffic is only at the beginning of the day and end of day, the layout cannot be specified. K.Weinfeld suggested creating hours where residential waste cannot be dropped off after a certain time. A.Felix stated that this could be managed by staff onsite. He stated that he discussed with S.Wason having a 6 months period to run the site and return to the Board to discuss any changes necessary.

K.Weinfeld if the current site will be transferred. A.Felix responded that they will not transfer materials. S.Wason stated that the Board hoped that this site would help solve issues at Springbrook Road.

S.Wason asked if the application fee should be waived. G.Greene stated that it should be waived since it's a service to the public. W.Grieder stated that the Town Manager should be consulted.

J.Rhoads asked if any work is being done on the capped area. R.Swanson responded that there will be no activity on capped area. J.Rhoads asked what the provisions are for solid waste. A.Felix responded that they will have barrels, but no dumpster. R.Swanson stated that they don't want dumpsters since there was illegal dumping in the dumpster at the current compost site. J.Rhoads stated that plan is in flux and asked if the plan will be approved for a certain period of time. K.Weinfeld responded that a 6 month period has been discussed.

Joan Gallivan, 63 Alden Street – stated that the concept has been wonderful, need to protect the Town to ensure that what needs to happen happens.

Motion by W.Grieder to continue the public hearing to October 27, 2011 at 7:30 p.m. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

8:00 p.m. Public Hearing – Zoning Articles

Kevin Weinfeld explained that the only article in the warrant for the upcoming Town Meeting is Article #1. He stated that all other articles that are being discussed would be for a subsequent Town meeting. He welcomed members of the Walpole Planning Board to the meeting as well as residents. He explained the process of the public hearing.

Motion by William Grieder to waive the reading of the public hearing notice. Seconded by Gordon Greene. Unanimous Affirmative Vote (5:0)

Article 1

This zoning change would amend sections 3, 7, and 11 of the Zoning By-Law and amend the zoning map by creating solar energy regulations and changing the zoning on the “Closed landfill” off of East Belcher Road.

Sharon Wason explained that the zoning change would allow solar arrays in Town and would also change the zoning of the landfill on East Belcher Road to Limited Industrial to allow the installation of a solar array in the parcel. She stated that there is solar equipment at Patriot Place which is allowed since they are attached to the roof of a building. K.Weinfeld asked for comments from the Board, there were no comments from the Board. He then asked for comments from the public, there were no comments from the public.

Article 2

This zoning change would amend sections 3 and 7 of the Zoning By-Law by creating Renewable Energy Regulations for the construction and utility of “On-Site Wind Turbines” and “Utility-Scale Wind Turbines” in the Town of Foxborough.

S.Wason explained that this article relates to wind energy turbines, allowing small scale and utility scale turbines in different zoning districts in Town. K.Weinfeld stated that there are several business people in Town who have been interested in installing commercial wind turbines. He is concerned about the potential the height of large wind turbines that as indicated in the proposed by-law, would be the highest in the state. W.Grieder stated that in an informal discussion, items that would be of concern would be signage, height, and presentation what finished product would look like. He would like to see a depiction of the structure would be in the proposed location.

S.Wason stated that the Walpole Planning Board submitted a letter sharing their concerns on the zoning articles.

Cliff Snuffer, 28 Hummingbird Lane Walpole, Former member of the Planning Board and Board of Selectmen in Walpole – utility scale would be for a massive site. Concerned about Section 7.5.3 items #3 & #5 (flicker, shadow & noise) affecting surrounding towns. The height requirements on Section 7.5.4 states that a utility scale turbine may exceed 500' but doesn't specify maximum height allowed.

Tim Griffin, Walpole – asked what would be the setbacks from commercial lots. K.Weinfeld responded that they would have to be equal to the height of the wind turbine.

Bill Hamilton, 45 Eldor Drive Walpole – asked how height is measured. W.Grieder responded that they measure the turbine when it's fully extended from the tip of the blade to the base.

Richard Mazzocca, 7 Harrison Ave. Walpole, Planning Board member – stated that the wind turbine by the Southeast Expressway is 150' tall. K.Weinfeld stated that there may not be any structures higher than 300' in the state. R.Mazzocca stated that the Town of Milton has the highest allowed 480' but on Town-owned land only. The Town of Marion allows 480' with a permit from the Zoning Board of Appeals.

C.Snuffer stated that in utility scale turbines, the blade could be up to 100' long. He stated that the Board should seek any studies on the decibels on such a large turbine. W.Grieder stated that there are ways of addressing sound issues such as slowing down the rate of turn, but would diminish the output.

S.Wason asked if there are any concerns on ads on utility scale. K.Weinfeld stated that he doesn't want to see it used like the light stanchions in the Stadium parking lots.

S.Wason pointed out that the proposal is to allow the use as a Special Permit in the S-1 but only require Site Plan Review in the EDAOD. K.Weinfeld responded that the Board would want to have the requirement of a Special Permit in all districts due to potential issues.

Bruce Norwell, 19 Concord Drive Walpole – 7.5.3 7 – Has there been a consideration of what type of lighting would be required by the FAA. W.Grieder responded that historically, the FAA requires white by day and red by night.

R.Mazzocca asked if any experts have been consulted. K.Weinfeld responded that the review process has just begun.

David Mackey, 6 Wildwood Lane S. Walpole – asked how this change benefits the Town. K.Weinfeld responded that we interested in green opportunities and there are others who would benefit. W.Grieder added that this change is not site specific.

B.Hamilton stated that a windmill could be installed anywhere and benefit the Kraft Group. He stated that turbines have a whine that is corroding. W.Grieder responded that sound monitoring has to be part of the process.

Richard Nottebart, 187 Gould Street Walpole – stated that flicker would be towards South Walpole. Asked that the Board research the turbines in Porstmouth, Rhode Island where the

flicker effect is quite dramatic. W.Grieder responded that the Town has listened to residents of abutting Towns.

John Murtaugh, 7 Nottingham Way Walpole, Planning Board member – stated that the Board needs to understand the seriousness of the situation, and get as much information as they can before making a decision on this issue.

B.Norwell stated that ice accumulation on the blades should be considered.

Article 3

This zoning change would amend sections 3, 4, and 9 of the Zoning By-Law by making changes to the Water Resources Protection District and changes that apply predominately in the EDAOD zoning district of the Town of Foxborough, including enhancements to transportation facilities.

S.Wason stated that this article adds uses to the use table, makes changes to the EDAOD by allowing multiple buildings on a lot and multilevel parking structures. She stated that she has concerns about items 5 and 6, not sure they would be allowable uses by DEP in the WRPOD.

Joan Sozio, 25 Eastman Ave. Foxborough, former Water & Sewer Commissioner – stated that 9.4.7.6 “privately owned treatment facilities” is contrary to the State regulations. She stated her opposition to vehicles being washed in that location. W.Grieder asked for her thoughts on gas stations. J.Sozio responded that they cannot be located within the WRPOD. She added that the Route 1 well cannot serve the needs in that area, the Board needs to take that into account before allowing more growth, and also consider the impacts on the water supply, resources, traffic, etc. W.Grieder asked why a water tank is not being built. J.Sozio responded that the Town cannot produce enough water to keep the tank filled, only a certain amount of water can be pumped out of the tank.

S.Wason stated that item 8 clarifies what was thought to be allowed. K.Weinfeld asked if there’s land zoned residential within the EDAOD. Dan Krantz responded that there’s no land zoned residential that he can remember.

Article 4

This zoning change would amend Sections 6, 9, and 11 of the Zoning-By-Law by allowing the following uses in the EDAOD: Facilities for the production and Distribution of Renewable Energy and/or Cogeneration Energy; Gas Service Station(s) and/or Car Wash(es) in connection with retail/mercantile use(s); High Tech Office Facilities; Multi-family dwellings, subject to the regulations applicable within the EDAOD under these By-Laws; Commuter rail, bus and/or other transportation stations/facilities and related or accessory parking and other similar structures and improvements; and Spas; by creating a provision to deal with lots in two zoning districts; and by increasing the heights of buildings within the EDAOD.

S.Wason stated that this article includes additional definitions, such as Municipal Recreation Facility, High Tech Office Facility, and Spa; adds parking requirements for High Tech Office Facility; adds allowed uses in the EDAOD such as resort and conference center, theaters, arenas, amphitheatres, shopping, dining and food services, hotel rooms, resort amenities and personal services, facilities for renewable energy, gas service stations, car washes, High Tech Office facilities, multi-family dwellings, commuter rail, bus stations/facilities, and spas; guidance on how to handle a lot in multiple zoning districts; increase in allowed building heights.

G.Greene stated that there are about 35 different industries considered high tech, there are no set definitions for the use.

S.Wason explained that Municipal Recreation Facility extends benefits from land operated by Town to recreational uses accessible to the public.

K.Weinfeld stated that there are no regulations currently allowing residential uses in the EDAOD.

John Rhoads asked if split lots would be a zoning change. S.Wason responded that she researched split lots and there's no standard in the State law and there are not many Court cases, she believes that zoning districts should be changed by Town Meeting. K.Weinfeld stated that the potential problem is smaller pieces of land next to larger lots.

W.Grieder stated that the addition of 9.5.4 #16 allows commuter rail use by right rather than by Special Permit. He stated that the use is currently not allowed in the EDAOD and allowed by special permit in the S-1. K.Weinfeld asked if the parking lot would be considered part of station. S.Wason responded that she believes it is, but Building Commissioner Casbarra should be consulted. The use is to create a multi-modal facility. Attorney John Twohig responded that it's multi-modal per State definition. S.Wason stated that citizens may feel better if this use required a Special Permit.

S.Wason stated that there's high value for a hotel to accompany high tech office. J.Twohig stated that office tenants like to have space for conferences, they wanted to clear up and put them all together. S.Wason stated that the current height limit is 150' with a setback of 300' from Route 1.

R.Mazzocca stated that they are concerned that one of the proposed changes in building heights, states the setback requirements for residential districts "in the Town", which can be construed as "only in Foxborough". He asked if the Town of Foxborough have any biotech bylaw yet. K.Weinfeld responded that there are no definitions yet.

R.Mazzocca stated that the MBTA study will affect both towns; there are a couple of crossings in residential areas, the addition of the train could drastically change the area. K.Weinfeld stated that there's definitely a concern about this.

Andrea Cleary, Summer Street Walpole – stated that the freight line runs 48' from her house. There has been no environmental study done on effect to septic systems, etc.; if the rezoning is approved then many residents in Walpole will be affected. W.Grieder responded that the Board will try to maximize the protection of all residents; this community wasn't part of the process in the MBTA study. It seems that the MBTA has determined that the line could be profitable; the Town is trying to get a seat at the discussion table.

B.Hamilton need to consider the assessment the Town of Foxborough would have to pay the MBTA for the service. S.Wason responded that Foxborough already pays an assessment. B.Hamilton stated that the crossing on Summer Street is illegal because they don't have barriers. S.Wason stated that the possibility of service has been in the MBTA long range program since the late 1980s.

Ed Forsberg, Walpole Planning Board member – stated that they are trying to increase foot traffic in their property by adding office use and services for it; they will need a large amount of space to store the trains overnight. He stated that once this is permitted, it will affect a lot of people.

D.O'Shea stated that Summer street is a heavily traveled road, they cannot put a bridge and are stopping traffic for the event trains; suggested that they do a trial period with a shuttle. B.Hamilton stated that the bus system in Walpole was established in the 1930s to transport factory workers.

Deborah Burke, 7 Wisteria Drive Walpole – stated that she read the feasibility study, and recommends that everyone read it cover to cover and questioned the cost of running the trains.

Mike Freiberger, 20 Concord Drive Walpole – stated that under the zoning by-laws, the expansion of the lots was approved, but their intent was develop the parcel on the Walpole side of Route 1.

B.Hamilton stated that for a biotech use, it would be important to know the number of emergency calls to the Siemens site in Walpole.

J.Murtaugh stated that he agrees that a Special Permit would give the Board more power.

E.Forsberg stated that, concerning item #7, a setback could be set, such as within 50' of a residential boundary; the Renaissance hotel is the highest structure at Patriot Place and is lower than 100'.

Greg Mahoney, 12 Concord Drive Walpole – stated that the height proposed in a 50 acre lot is higher than the stadium.

J.Sozio – stated that the Board of Selectmen made reference to zoning articles to make casinos possible. K.Weinfeld responded that these articles precede the casino discussion.

There were no more comments from the public.

Motion by W.Grieder to partition the articles on the public hearing into four separate articles. Seconded by Shannon McLaughlin. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to close the public hearing Article 1 pertaining to solar energy. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to make a positive recommendation of Article 1 to the Citizens' Advisory Committee and Town Meeting. Seconded by Shannon McLaughlin. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to continue the public hearings for Articles 2 through 4 to October 27, 2011 at 8:00 p.m. in the Town Hall meeting room. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

10:30 p.m. Discussion concerning the "Autumn Valley Estates" subdivision

S.Wason stated that developer Phil Moore requested to be added to tonight's agenda, but he is not present. K.Weinfeld asked if trees had been replanted. S.Wason responded that Inspector Mullaney visited the site today; 3 trees were planted; no additional loam added, there's a minimum of 6' of loam required, hasn't been hydro-seeded; trees planted in June will probably be

dead by the spring, carpenters were used to plant the trees, they are planted too high and they are leaning. The site was mowed before the June meeting and hasn't been mowed since.

Brenda Sheehan, 178 Chestnut Street – stated that all trees were removed on their property where the easement is located and they haven't been replaced.

Neighbors present requested that the Board act on the bond so the subdivision can be finished and the street accepted by the Town. After discussion, the Board agreed to proceed to act on the bond.

Motion by G.Greene to contact the Walpole Bank to inform them that the Town will draw the Tri-Partite Agreement funds to finish the outstanding subdivision items. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

K.Weinfeld asked the staff to prepare a list of outstanding items.

11:00 p.m. Request for minor modification of the subdivision approval and request for lot release – “Durham Park” subdivision

K.Weinfeld recused himself from the matter.

S.Wason explained that condition #3 of the subdivision approval requires that the Open Space land be deeded to the Town prior to the issuance of any occupancy permits, but the Town cannot accept land until the Order of Conditions has been released and the release is not issued until the subdivision is close to being finished. She stated that attorney John Michelmore is requesting that the Board modify the condition. The Board discussed the request and agreed that it was necessary so the subdivision can move forward; the Board also agreed that the modification is a minor modification of the approval.

Motion by W.Grieder that the Planning Board consider the change as a minor modification. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

Motion by J.Rhoads that the Board modify condition #3 of the Durham Park subdivision so that it reads:

3. The Conservation Commission wishes to own the dedicated open space. The required paperwork, access, and location of bounds shall be approved by the Commission prior to the Board's endorsement of the definitive plan. The Open Space land shall be conveyed to the Conservation Commission prior to the petition for the subdivision road to be accepted as a public way. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to release lot #6 of the Durham Park subdivision. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

11:20 p.m. Meeting adjourned.

Approved by: Kevin Weinfeld, Chairman

Date: December 8, 2011